IN THE HIGH COURT OF JUDICATURE AT BILASPUR , CHHATTISGARH

WRIT PETITION NO. 1807 /2002

PETITIONER:

1. State of Chhattisgarh through The Secretary, Higher Education Department, Govt.of Chhattisgarh D.K.S. Bhawan Mantralaya, District Raipur, Chhattisgarh

2. Commissioner, Higher Education Department, Education Directorate, Government P.G. College Campus, District Raipur, Chhattisgarh

3. Principal, Govt. PG College Ambikapur, District Surguja Chhattisgarh

P.R. No. 18/8/02
Presented by Shri Ramniwas Tiwari
dated 3.9.02

VERSUS

RESPONDENTS:

Murlidhar Singh, Aged about 59 years, S/o.Late Sukhdeo Singh, Sports Officer, Government P.G.College, Ambikapur, District Surguja, Chhattisgarh

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

XI-HC

(47)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.1807/ सन् 2002

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

DIVISION BENCH: -

HON'BLE SHRI K.H.N. KURANGA, CJ
& HON'BLE SHRI L.C. BHADOO, J.

20/06/2003: -

Heard Shri Ayaz Naved, Govt. Advocate for the State/petitioners.

The State by this petition filed under Section 226/227 of the Constitution of India has challenged the order dated 20/05/2002 passed in Original Application No.859 of 2002 by the Madhya Pradesh State Administrative Tribunal, Raipur Bench by which the application of the respondent herein was allowed saying that in similar O.A. No.3104 of 2000 (Krishna Gopal Tripathi Vs. State of M.P. and 4 others) the Tribunal allowed their petition and the directions contained in the order passed in the said case shall apply mutatis-mutandis in the present case also.

We have heard learned counsel appearing for the State / petitioners.

On enquiry, learned counsel appearing for the State has not been able to point out as to whether any appeal has been filed against

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.1807/ सन् 2002

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

the order passed by the Tribunal in Krishna Gopal Tripathi's case. Even otherwise, Mr. Naved argued that the main grievance of the State is that the Sports Officer is not come within the definition of the teacher. The argument of the State counsel has no force in view of the judgment of the Hon'ble Apex Court in the matter of *P.S. Ramamohana Rao Vs. A.P. Agricultural University and another* reported in *(1997) 8 SCC 350* in which it has been categorically held that the Physical Teacher comes within the definition of a teacher and he is entitled of all the benefits available to a teacher. Therefore, in view of this, we do not find any illegality or infirmity in the order of the learned Tribunal. The petition has no merit and the same is, therefore, liable to be dismissed. It is accordingly dismissed.

Sd/-
Chief Justice

Sd/-
L.C.BHADOO
Judge

Brajesh*

[पीछे देखिये